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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dennis M. Lettkeman et al.

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

Serial No.: 10/511,498

02/17/06 Conceal Medekson
Date Registration No. 30,778
F-CLASS.WCM Attorney for Applicant(s)
Appr. February 20, 1998

Conf. No.: 4629

Filed: 10/15/2004

For: SPRAYABLE MACHINABLE
MEDIA

Art Unit: 1755

Examiner: Green, Anthony J.

DECLARATION OF RAYMOND A. KALIGIAN, II. UNDER 37 C.F.R. § 1.132

I, Raymond A. Kaligian, II, declare as follows:

1. I am a co-inventor of U.S. Patent No. 6,355,099 ("099 Patent") with Salvatore C. Immordino ("Sam Immordino"), and that we developed the sprayable, machinable plaster composition described therein.

2. U.S. Patent No. 6,355,099 was filed February 11, 2000 as U.S. Serial No. 502,740 and issued March 12, 2002.

3. The sprayable plaster of the '099 Patent includes gypsum hemihydrate, an internal binder and an external binder. Cellulose and methylcellulose were disclosed as optional additives to the plaster mixture.

4. U.S. Serial No. 10/511,498 was filed in the United States on October 15, 2004, based on international PCT Application No. US03/09569, filed

March 27, 2003. I am also a co-inventor on this application, together with Dennis Mark Lettkeman ("Dennis Lettkeman") and Eldon L. Whiteside ("Eldon Whiteside").

5. My present assignment is Director, Marketing Industrial Products. Dennis Lettkeman and Eldon Whiteside both report to me in this capacity. We work closely with Sam Immordino and others at USG Research in Libertyville, IL, to develop new industrial products for our plants.

6. The formulation described in the '099 Patent produced a sprayable plaster formulation that was superior to any we had tested at the time. However, as long-term testing of the product progressed, we learned that the performance of the formulation changed with time and with temperature. The stability problem was traced to the use of METHOCEL in the formulation.

7. I discussed these problems with Dennis Lettkeman and Eldon Whiteside. We discussed other polysaccharides to be tested for use in this formulation, including BIOVIS, a product of Degussa Construction Polymers GmbH, Trostberg, Germany. It was tested and found to be among the polysaccharides that produced the most stable plaster compositions.

8. Another benefit of BIOVIS polysaccharide is that it allowed build-up of the wet sprayed material much faster than the original formula. The BIOVIS-containing formula was processed through the sprayer faster and the improved rheology allowed the slurry to remain in place until set.

9. Thus, Dennis Lettkeman, Eldon Whiteside and I derived the presently claimed invention from the original inventors. Immordino and Kaligian discovered the generic use of polysaccharides in sprayable plasters, then Kaligian, Lettkeman and Whiteside uncovered additional polysaccharides that improved other properties of the plaster formulation. The broadest aspect of the present invention was conceived prior to the filing date of the '099 Patent as evidenced by its disclosure therein.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Raymond A. Kaligian, II

Feb 13, 2006
Date